

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, tentatively rejected all pending claims 1-20. In response, Applicant sets forth the following remarks.

Response to Rejections under 35 U.S.C. 102

Claims 1, 3-9, 11-18 and 20 stand rejected under U.S.C. 102(b) as allegedly anticipated by Okabe et al. (US Patent. No. 6,535,778). Applicant respectfully disagrees.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. See e.g., *In re Paulsen*, 30 F.3d 1475, 31 USPQ 2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ 2d 1655 (Fed. Cir. 1990).

Okabe, however, does not disclose each and every element of independent claims 1, 9, and 16 of this application, and Applicant, therefore, respectfully traverses the rejections on this grounds. In addition, Okabe does not recognize the advantage of Applicant's invention.

Turning first to independent claim 1, this claim recites:

1. A tool stocking and sorting system, comprising:
first tool storage storing a first tool currently in use;
second tool storage storing a second tool not currently in use;

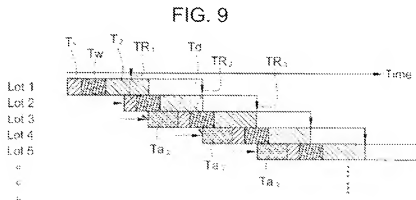
third tool storage serving as an outlet for a third tool not in use;
and
a host system adapted to re-locate the first, second, and third tools among the first, second, and third storage as a function of demand data pertaining to a product corresponding to the respective tool.

(*Emphasis added.*) Claim 1 patently defines over Okabe for at least the reason that Okabe does not disclose the features emphasized above.

The Office Action (page 2) states that Okabe teaches "first tool storage", "second tool storage", and "third tool storage" (citing column 2, lines 44-52, and Fig. 9 of Okabe for each). However, in Column 2, lines 44-52, and Fig. 9 of Okabe, Okabe actually teaches nothing about "tool storage", let alone the "first tool storage", "second tool storage", and "third tool storage." In fact, this portion of Okabe recites:

To accomplish the foregoing object, the invention provides a process control method, for processing a plurality of lots including a preceding lot and a subsequent lot in a process stage comprising a hold stocker for holding each lot in a standby state, a pre-treatment processing equipment for pre-treating each lot brought out from said hold stocker on the basis of a standby release order, and a post-treatment processing equipment for post-treating each lot of which pre-treatment has completed, wherein a storage time for each lot between completion of pre-treatment in said pre-treatment processing equipment and start of post-treatment in said post-treatment processing equipment is limited...

As can be readily verified from the foregoing, there is NO mention of any tool storage, which serve as outlets for tools. Further, FIG. 9 is reproduced immediately below:



Again, as is readily verified, there is no disclosure or teaching in FIG. 9 of any tool storage. In fact, the undersigned has reviewed the entire Okabe reference and has found no appropriate teaching for the emphasized claim features. Indeed the only "storage" referenced in the Okabe patent actually refers to "information" storage (e.g., an electronic database), as opposed to physical/tool storage. For at least these reasons the rejections should be withdrawn.

Further, one skilled in the art would understand or interpret, "a process control for processing a plurality of lots" (column 2, lines 44-52, and Fig. 9 of Okabe) does not disclose the technical features of three different tool storages storing tools currently in use, tools not currently in use, and tools not in use as defined by claim 1. Accordingly, the "first tool storage", "second tool storage", and "third tool storage" of independent claim 1 are not properly disclosed by Okabe, and for at least this reason, the rejection should be withdrawn.

Independent claims 9 and 16 (although method claims) recite similar or corresponding features, and therefore define over Okabe for at least the same reasons. As all remaining claims (2-8, 10-15, and 17-20) depend from either claim 1, 9, or 16, the therefore define over Okabe at least by virtue of their dependency from allowable claims.

The host system is not disclosed by Okabe

In addition to the foregoing distinctions, the Office Action (page 2) states that Okabe teaches "a host system (11) adapted to re-locate the first, second, and third tools

among the first, second, and third storages as a function of demand data pertaining to a product corresponding to the respective tool" (See Column 8, lines 32-34).

However, in Column 8, lines 32-34, Okabe actually teaches a FA computer and equipment control terminal 16. The FA computer 11 comprises a reference information storage section 13, a product in-process information storage section 14, a collected data storage section 15, and an arithmetic unit control section 12. These components of FA computer 11 have nothing to do with "tools" used in the manufacturing process. Specifically, this portion of Okabe specifically states: "The process control apparatus 1 is provided with a FA computer 11 (host computer for controlling factory) and equipment control terminal 16."

There, the FA computer 11 has nothing to do with "tools" as expressly claimed in independent claims 1, 9 and 16. Again, one skilled in the art would understand the lot treatment control provided by Okabe NOT to be applicable to the technical features of the "tool stocking and sorting system and method" of the claimed embodiments. For at least this additional reason, the rejections of independent claims 1, 9, and 16 should be withdrawn.

As a proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. Okabe does not disclose each element of the claims 1, 9 and 16. Accordingly, the teachings of claims 1, 9 and 16 cannot be anticipated by Okabe, and the rejections of claims 1, 9 and 16 should be withdrawn.

Again, as all remaining claims (2-8, 10-15, and 17-20) depend from either claim 1, 9, or 16, the therefore define over Okabe at least by virtue of their dependency from allowable claims.

Conclusion

In view of the foregoing remarks, Applicant respectfully requests reconsideration of the application and the timely allowance of claims.

If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,



Daniel R. McClure
Reg. No. 38,962

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
100 Galleria Pkwy, NW
Suite 1750
Atlanta, GA 30339
(770) 933-9500